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January 17, 2020

VIA ECF

The Honorable Robert W. Lehrburger  
United States Magistrate Judge  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street  
New York, NY 10007

Re: *Chevron Corp. v. Donziger*, 11 Civ. 0691 (LAK) (S.D.N.Y.)

Dear Judge Lehrburger:

I write as counsel for Chevron Corporation (“Chevron”) to update the Court regarding Steven Donziger’s continued delay in pursuing his appeal of Judge Kaplan’s order denying his application for a stay, which Chevron previously documented in its January 3, 2020 letter. *See* Dkt. 2435.

In responding to Chevron’s letter, Donziger’s counsel told this Court on January 13, 2020 that his “intention” was to “file a brief in support of the appeal as expeditiously as my professional obligations allow, likely within the next week or two.” Dkt. 2441 at 2. But just three days later, on January 16, Donziger’s counsel asked the Second Circuit to permit him to file that brief by March 2, 2020, and his request was granted. *See* Ex. 1 (2d Cir. No. 19-4091, Dkt. 41); Ex. 2 (2d Cir. No. 19-4091, Dkt. 42).

It is now apparent that Donziger has declined the opportunity Your Honor provided him to seek expedited relief from the Second Circuit, and instead is attempting to use the pendency of his appeal to grant himself the very stay of the contempt proceedings before Your Honor that Judge Kaplan refused to order.

In light of Donziger’s strategic choices and his continued inaction, the Court should promptly resume the proceedings regarding Donziger’s alleged compliance with Paragraph 4 of the Forensic Inspection Protocol Order.

As always, we appreciate Your Honor’s consideration.

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Respectfully,

/s/ Randy M. Mastro  
Randy M. Mastro

cc: All counsel of record